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Marlene H. Dortch, Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: WT Docket 02-100

Dear Ms. Dortch:

Anne Arundel County ("County") hereby supplements the 30-day interference mitigation status report filed separately today by wireless carriers operating in the County.<sup>1</sup> As indicated in that separate report's cover letter,<sup>2</sup> the County agrees with the description of the status of cooperative efforts to eliminate or mitigate commercial provider interference to the County's 800 MHz public safety radio system.

Our agreement with the description in the status report should not, however, be construed as acceptance by the County of voluntary, open-ended mitigation efforts as the sole legal recourse for the interference it continues to experience. The County reserves the right to challenge that process in any appeal of the Order.

Related to this reservation is our need to qualify the following sentence from the carrier status report: "Although the County expressed concern that the interference at these [four] sites may be 'intractable,' the Carriers remain optimistic that the interference will be curable once the County's upgrades are complete and carriers are given another opportunity to address the issue."

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<sup>1</sup> Letter of August 5, 2002 from Karl Nelson to Linda Schuett, County Attorney. The status report is a requirement of the Memorandum Opinion and Order ("Order"), DA 03-2196, released July 7, 2003, responding to a Cingular Wireless petition concerning the County's zoning for wireless telecommunications facilities. At the time of the filing of this supplement, it was not clear how Nextel would be reporting.

<sup>2</sup> Letter of August 6, 2003 to Gary Oshinsky from Robert Kirk of Cingular Wireless.

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With respect, the upgrades to the County's radio system will not be completed for several years. The process is dependent on yearly funding. We simply cannot commit to waiting so long for the elimination or diminution of this persistent interference. If our estimate is correct that the intractable interference will not be cured by the upgrades, we intend to reserve the option to deal with the problems sooner rather than later.

The Cingular Wireless cover letter's third paragraph leaves the erroneous impression that the County's system upgrade is directed to interference mitigation. In fact, the primary aim is to enhance in-building coverage, with interference mitigation being a beneficial by-product of that effort. The cover letter also states incorrectly Cingular's "contribution" to the interference at the four sites estimated to be intractable. The County's ex parte communication of July 17, 2003 identified one of the four sites as involving "Nextel/Cingular" and two other of the sites as involving "all three" of Nextel, Cingular and Verizon Wireless.

Sincerely,

James R. Hobson  
Counsel to Anne Arundel County

cc: Gary Oshinsky, FCC/WTB; Robert Kirk, Cingular Wireless